



REMARKS

In the action dated January 9, 2004, the Examiner has rejected claims 28-48 as anticipated under 35 U.S.C. § 102(e) by *Slotnick*, U.S. Patent No. 6,609,146, filed November 10, 1998 base upon a provisional application filed November 12, 1997.

A careful examination of the present file reveals that the inventor in the present application conceived the present invention prior to November 12, 1997 and either reduced invention to practice, as evidenced by the Declaration submitted herewith or was diligent in the submission of the patent application from the date of conception to the filing date of the present application.

As noted in the attached Declaration submitted herewith, after approval for filing the patent application was prepared in my office in the normal course of business and promptly filed.

Consequently, as a result of the Declaration submitted herewith under 37 C.F.R. § 1.131, Applicant respectfully urges that *Slotnick* is no longer an effective reference against the present application and claims 28-48 should therefore be allowed.

RECEIVED

MAY 17 2004

Technology Center 2100

A request for a one-month extension of time and a check for the appropriate fee are enclosed herewith. No additional extension of time is believed to be required; however, in the event an additional extension of time is required, please consider that extension requested and please charge that fee for the extension, as well as any other fees necessary to further the prosecution of this application to **IBM Deposit Account No. 09-0465**.

Respectfully submitted,



Andrew J. Dillon
Reg. No.: 29,634
DILLON & YUDELL LLP
8911 North Capital of Texas Highway
Suite 2110
Austin, Texas 78759
(512) 343-6116

ATTORNEY FOR APPLICANTS